

States Government consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

(b) Nothing contained in this order shall relieve a person from any requirement to obtain a license or other authorization in compliance with applicable laws and regulations.

**Sec. 3.** This order is not intended to, and does not, create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees, or agents, or any other person.

**Sec. 4.** This order shall be transmitted to the Congress and published in the *Federal Register*.

**George W. Bush**

The White House,  
November 29, 2004.

[Filed with the Office of the Federal Register, 9:47 a.m., December 1, 2004]

NOTE: This Executive order was published in the *Federal Register* on December 2.

**Presidential Determination on Waiver of Conditions on Obligation and Expenditure of Funds for Planning, Design, and Construction of a Chemical Weapons Destruction Facility in Russia**

*November 29, 2004*

Presidential Determination No. 2005–07

*Memorandum for the Secretary of State*

*Subject:* Presidential Determination on Waiver of Conditions on Obligation and Expenditure of Funds for Planning, Design, and Construction of a Chemical Weapons Destruction Facility in Russia

Consistent with the authority vested in me by section 1303 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) (the “Act”), I hereby certify that waiving the conditions described in section 1305 of the National Defense Authoriza-

tion Act for Fiscal Year 2000 (Public Law 106–65), as amended, is important to the national security interests of the United States, and include herein, for submission to the Congress, the statement, justification, and plan described in section 1303 of the Act. This waiver shall apply through the remainder of calendar year 2004 and for all of calendar year 2005.

You are authorized and directed to transmit this certification, including the statement, justification, and plan, to the Congress and to arrange for the publication of this certification in the *Federal Register*.

**George W. Bush**

NOTE: This memorandum was released by the Office of the Press Secretary on November 30.

**Memorandum on Waiving Prohibition on United States Military Assistance with Respect to Burundi, Guyana, and Liberia**  
*November 29, 2004*

Presidential Determination No. 2005–08

*Memorandum for the Secretary of State*

*Subject:* Waiving Prohibition on United States Military Assistance with Respect to Burundi, Guyana, and Liberia

Consistent with the authority vested in me by section 2007 of the American Servicemembers’ Protection Act of 2002 (the “Act”), title II of Public Law 107–206 (22 U.S.C. 7421 *et seq.*), I hereby:

- Determine that Burundi, Guyana, and Liberia have each entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against U.S. personnel present in such countries; and
- Waive the prohibition of section 2007(a) of the Act with respect to these countries for as long as such agreement remains in force.

You are authorized and directed to report this determination to the Congress, and to

arrange for its publication in the *Federal Register*.

**George W. Bush**

NOTE: This memorandum was released by the Office of the Press Secretary on November 30.

**Memorandum on Improving  
Spectrum Management for the  
21st Century**

*November 29, 2004*

*Memorandum for the Heads of Executive  
Departments and Agencies*

*Subject: Improving Spectrum Management  
for the 21st Century*

In May 2003, I established the Spectrum Policy Initiative to promote the development and implementation of a U.S. spectrum management policy for the 21st century. This initiative will foster economic growth; promote our national and homeland security; maintain U.S. global leadership in communications technology; and satisfy other vital U.S. needs in areas such as public safety, scientific research, Federal transportation infrastructure, and law enforcement.

The existing legal and policy framework for spectrum management has not kept pace with the dramatic changes in technology and spectrum use. Under the existing framework, the Federal Government generally reviews every change in spectrum use. This process is often slow and inflexible and can discourage the introduction of new technologies. Some spectrum users, including Government agencies, have argued that the existing spectrum process is insufficiently responsive to the need to protect current critical uses.

As a result, I directed the Secretary of Commerce to prepare recommendations for improving spectrum management. The Secretary of Commerce then established a Federal Government Spectrum Task Force and initiated a series of public meetings to address improvements in policies affecting spectrum use by the Federal Government, State, and local governments, and the private sector. The recommendations resulting from these activities were included in a two-part series of reports released by the Secretary of Commerce in June 2004, under the title

*Spectrum Policy for the 21st Century—The President's Spectrum Policy Initiative* (Reports).

Therefore, to the extent permitted by law and within existing appropriations, I hereby direct the heads of executive departments and agencies (agencies) to implement the recommendations in the Reports as follows:

**Section 1. Office of Management and Budget.**

Within 6 months of the date of this memorandum, the Office of Management and Budget (OMB) shall provide guidance to the agencies for improving capital planning and investment control procedures to better identify spectrum requirements and the costs of investments in spectrum-dependent programs and systems. Within 1 year of the date of this memorandum, agencies shall implement methods for improving capital planning and investment control procedures consistent with the OMB guidance, including making any modifications to agency capital planning procedures necessary to ensure greater consideration of more efficient and cost-effective spectrum use.

**Section 2. Other Executive Departments and Agencies.**

(a) Within 1 year of the date of this memorandum, the heads of agencies selected by the Secretary of Commerce shall provide agency-specific strategic spectrum plans (agency plans) to the Secretary of Commerce that include: (1) spectrum requirements, including bandwidth and frequency location for future technologies or services; (2) the planned uses of new technologies or expanded services requiring spectrum over a period of time agreed to by the selected agencies; and (3) suggested spectrum efficient approaches to meeting identified spectrum requirements. The heads of agencies shall update their agency plans biennially. In addition, the heads of agencies will implement a formal process to evaluate their proposed needs for spectrum. Such process shall include an analysis and assessment of the options available to obtain the associated communications services that are most spectrum-efficient and the effective alternatives available to meet the agency mission requirements. Heads of agencies shall provide their